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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/050,162 | 01/18/2002 | Jun-ichi Yamato | ND-415US | 7609 |

7590 03/09/2007
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| EXAMINER |
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O STEEN, DAVID R

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| ART UNIT | PAPER NUMBER |
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2623

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/09/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/050,162 | Applicant(s) YAMATO ET AL. | |
| | Examiner David R. O'Steen | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1 Applicant's arguments with respect to claims 2, 4, 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (5,699,107) in view of Aras (US 5,872,588).

As regards Claim 2, Lawler discloses program processing system for performing a program process using an electronic program guide, comprising (col. 3, lines 36-49): a communication network (fig. 1.14, and col. 3, lines 60-63); a program processing apparatus for executing a program process (such as a set top box, fig. 2), said apparatus having a database for storing program reservation data identifying a reservation of particular externally broadcast programs for recording (program guide data, including recording data is stored in the memory, fig. 2.60, col. 9, lines 49-56), means for preparing a program condition data based, at least in part, on said reservation data (the system allows for bidirectional communications with the headend, col. 4, lines 1-3), means transmitting the stored data through said communication

Art Unit: 2623

network (col. 4, lines 38-49), and means for transmitting, said program condition data through said network (again program condition data such as reminders and recording data as well as other information can be transmitted from the user station to the headend over the network, col. 4, lines 37-49), an electronic program guide preparation server, connected to said communication network, for preparing an electronic program guide (fig. 1.34, and col. 4, lines 27-36); wherein said electronic program guide preparation server includes reception means for receiving said privacy level data and said condition data through said communication network (the servers can receive a variety of user data from the user stations over the network, col. 4, lines 37-49), means for preparing an electronic program guide including display form showing a reservation status of the externally broadcast programs based on said received condition data (col. 4, lines 47-49 and 56-66) and transmission means for transmitting the prepared electronic program guide to said program processing apparatus (col. 5, lines 13-24); wherein said program guide processing apparatus includes means for displaying the electronic program guide received through said communication network (fig. 3, col. 8, lines 24-40). Lawler does not disclose means for receiving and storing a privacy level data having at least a first value and a second value, based at least in part on said privacy level data, wherein said transmitting selectively transmits said condition data when said privacy level data has said first value and is inhibited from transmitting said condition data when said privacy level data has said second value. Aras does disclose means for receiving and storing a privacy level data having at least a first value and a second value, based at least in part on said privacy level data, wherein said transmitting selectively transmits said condition

data when said privacy level data has said first value and is inhibited from transmitting said condition data when said privacy level data has said second value (col. 22, lines 44-59).

At the time of the invention, it would have been obvious to one skilled in the art to combine the privacy features of Aras, an analogous art, with the EPG system of Lawler to give the end user some control over the data that is used by the interactive media system.

As regards Claim 4, Aras further discloses that a monetary consideration which differs depending upon said privacy level data sent from said program guide processing apparatus is imposed for said electronic program guide preparation server sending said electronic guide to said program processing apparatus (col. 22, lines 44-59).

At the time of the invention, it would have been obvious to one skilled in the art to combine the pricing features of Aras, an analogous art, with the EPG system of Lawler to encourage the user to share their data.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (5,699,107) in view of Aras (US 5,872,588) and in further view of Vallone (US 6,642,939).

As regards Claim 13, Lawler and Aras jointly disclose the system of Claim 2. Lawler further discloses means for recording said externally broadcast programs (col. 10, lines 38-45). Lawler and Aras do not disclose a recorded program database for storing information identifying externally broadcast programs that have been recorded

by said means for recording said externally broadcast programs, and wherein said means for preparing program condition data prepares the program condition data further based on said information stored in the recorded program database. Vallone discloses a recorded program database for storing information identifying externally broadcast programs that have been recorded by said means for recording said externally broadcast programs, and wherein said means for preparing program condition data (such as extra information and data pertaining to recording settings) prepares the program condition data further based on said information stored in the recorded program database (figs. 17 and 18, col. 15 and 16, lines 47-67 and 1-24).

At the time of the invention, it would have been obvious to one skilled in the art to combine the recording database features of Vallone, an analogous art, with the EPG system of Lawler and Aras to give the user a means for storing programs.

As regards Claim 14, Lawler further discloses inputting means for receiving user commands relating to the electronic program guide displayed by said means for displaying the electronic program guide received from the electronic program guide server (col. 6, lines 46-61). Lawler fails to disclose a program playback section for retrieving and playing externally broadcast programs stored in said recorded program database an operating instruction section for controlling said program playback section based on said electronic program guide displayed by said means for displaying and on said user commands. Vallone does disclose a program playback section for retrieving and playing externally broadcast programs stored in said recorded program database an operating instruction section for controlling said program playback section based on

Art Unit: 2623

said electronic program guide displayed by said means for displaying and on said user commands (figs. 17 and 18, cols 15 and 16, lines 46-67 and 1-47).

At the time of the invention, it would have been obvious to one skilled in the art to combine the recording database features of Vallone, an analogous art, with the EPG system of Lawler and Aras to allow the user to easily retrieve his programs.

As regards Claims 15 ad 16, Aras further discloses that a monetary consideration which differs depending upon said privacy level data sent from said program guide processing apparatus is imposed for said electronic program guide preparation server sending said electronic guide to said program processing apparatus (col. 22, lines 44-59).

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO



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